

1 I did a post secondary option where I was going to OSU,  
2 as well as another community college during my high  
3 school year. Following that, I went to Youngstown  
4 State University, finished in about three years. I did  
5 research during that time as well. And then following  
6 that, I went to study abroad at Netherlands Antilles;  
7 and following that, I finished up my medical degree,  
8 the last two years of medical school at UMKC, as well  
9 as in Chicago and Mt. Carmel.

10 After that, I did about 16 months of  
11 cardiovascular research, and then I joined Mt. Carmel  
12 Hospital, family medicine residency, and transferred  
13 from there to the internal medicine department.

14 Q. What were you studying in the post secondary  
15 option at OSU?

16 A. Just regular classes for undergrad. It was  
17 psychology, honors English, classes like that.

18 Q. And what was your major at Youngstown State?

19 A. Biology, minor in chemistry.

20 Q. And did you graduate with a B.S.?

21 A. Yes.

22 Q. What year did you graduate from Youngstown  
23 State?

24 A. 2000.

1 MR. PATMON: Objection.

2 A. I'm not a surgeon.

3 MR. PATMON: Go ahead.

4 Answer the question.

5 Q. Sure. But my question is this --

6 MR. PATMON: Argumentative. Go ahead.

7 Q. -- would you agree there are certain  
8 procedures that you know that you can't ask a nurse to  
9 do, for example?

10 A. I don't know that. I do not know that.

11 Q. You don't that?

12 A. No. I'm sure the nurse should know what her  
13 limitations are.

14 Q. So you would expect a nurse to tell you if  
15 you asked her to do something that was outside of her  
16 scope?

17 A. Yes, because I don't know nurses' rules or  
18 laws or regulations or what they can and cannot do. I  
19 don't know what extent of scope of practice they've  
20 been trained in. If a surgeon asks a nurse to cut an  
21 arm off, she should say, "I'm not a surgeon. I can't  
22 do that." I don't know what their scope of practice  
23 is. I'm not a nurse.

24 Q. So with respect to this A line incident on

1 not sure exactly what they did, so I made multiple  
2 attempts. I even called Jonathan Borders to see if he  
3 had another pager number of his or home number to call  
4 him. He didn't.

5 Q. So then did you ever speak with Dr. Weiss in  
6 response to trying to page him that night?

7 A. I wasn't able to get a hold of him.

8 Q. When he spoke with you the first time, did he  
9 tell you not to discuss the A line incident with  
10 anybody?

11 A. The first time was when he called me when I  
12 was sleeping. He did not mention anything like that,  
13 and I do not recall any of that. That's why I tried to  
14 call him, to figure out what was going on, but I was  
15 unable to get in touch with him.

16 Q. And I believe your testimony is that you were  
17 sleeping, though, so you don't recall that entire  
18 conversation?

19 A. That's right. He called me within a ten-hour  
20 period.

21 Q. After you spoke with Dr. Weiss, did you  
22 contact anybody about the A line incident?

23 A. I contacted the senior ICU resident, because  
24 I'm supposed to meet him at 7:00 p.m. for checkouts,

1 and I told him, "I am not coming, that Kanan is coming  
2 based on Dr. Weiss telling me that to cover my shift,  
3 but I'm not sure." And soon after that he was like,  
4 "What is going on with this matter?" And he was asking  
5 me about it, because he heard about it from Dr. Weiss.

6 I also asked Hai if the OB resident is  
7 around, if she's okay, and he says, "I don't know where  
8 she's at." So I attempted to call her to see if she's  
9 okay, as I'm not coming to work, and I don't know the  
10 details of it, that I was -- that there's something  
11 going on with an A line, and that's -- I mean I don't  
12 know what else to say about that unless you want more  
13 detail.

14 Q. Did you contact anyone else?

15 A. Yes. I had an e-mail sent in my e-mail box  
16 from Amanda Bowers saying, "Contact me. Here's my  
17 number. I'm on administrative leave." So I contacted  
18 her. She provided the phone number.

19 Q. You called her?

20 A. Yes. She provided the phone number.

21 Q. Do you still have that e-mail, by any chance?

22 A. Yes, I do.

23 Q. Did you contact anybody else besides the  
24 people we've already talked about?

1           A.    I mentioned that I talked to him that -- I  
2   asked him, "Do you know if Weiss heard from HR  
3   regarding the statement from Amanda regarding the A  
4   line procedure?" That's what I asked him.

5           Q.    Did you speak with Brian about the facts of  
6   what happened in the incident?

7           A.    I do not recall.

8           Q.    Okay.

9           A.    It was a very brief, brief call.

10          Q.    Tell me about your call with Amanda Bowers.  
11   What did you talk about with her?

12          A.    When I called her, she said, "I was on  
13   administrative leave. Are you?" I said, "I think so,"  
14   and she's like -- and I asked her, "What is going on?"  
15   And she was telling me, "I don't know. I think a  
16   nurse" -- and I think she mentioned Lisa's name. I'm  
17   not sure on that. -- "stated that I placed an A line."  
18   That was pretty much the call, and she was like  
19   freaking out. She was under a lot of stress and  
20   pressure, and I started to become stressed out at that  
21   point in time as well.

22          Q.    Why?

23          A.    Because I didn't know what was going on. I  
24   was trying to get in touch with Dr. Weiss. No one is

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1 Q. But the question is, if she says, "Dr. Nayyar  
2 told me to say I never even touched it" --

3 A. That is absolutely incorrect. To my best  
4 recollection, that is absolutely incorrect. She  
5 touched it.

6 Q. Did you also speak with -- you mentioned  
7 another intern, Clarissa. Is that Clarissa Gutearus  
8 (sic)?

9 A. Yes.

10 Q. Did you speak with her after Dr. Weiss called  
11 you?

12 A. Yes.

13 Q. What was your conversation with Clarissa?

14 A. I mentioned before that I was making sure she  
15 was okay. I said, "Are you okay? I am on leave. I  
16 don't know why. Has something to do with this A line.  
17 Are you okay? Did you get placed on leave?" She said,  
18 "No." I said, "Okay." But she was -- I think she was  
19 working at the time, so I think she had to go. I don't  
20 recall the details, and I said I'd call her later then.

21 Q. Did you call her later?

22 A. I think so. I don't know the details of  
23 that.

24 Q. Did you tell Clarissa that you were placing

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1 Q. Did anything else happen at the meeting other  
2 than just explaining what happened?

3 A. They asked, "Did you talk to residents or  
4 others?" And I said, "Yes." They asked, "Why were you  
5 talking to residents?" I said, "Well, Dr. Weiss didn't  
6 tell me not to talk to residents." And the residents  
7 were calling me because he had a meeting telling them  
8 what happened. So all these residents were calling me.  
9 I think they looked at him, at Dr. Weiss, when I made  
10 that comment. I don't know if he was allowed to tell  
11 them or not. I don't know. But it was a very -- it  
12 felt like a very hostile environment against me. From  
13 what I thought was an investigation with her, it seemed  
14 like they were blaming it on me.

15 Q. Did they discuss anything else at the  
16 meeting?

17 A. Like what?

18 Q. Just asking if there was anything else  
19 discussed that you recall.

20 A. They mentioned that did I speak to Amanda  
21 near the end of the conversation; and at that point, I  
22 said, "No," but I was kind of scared at the time  
23 because everyone is yelling at me, saying, you know,  
24 "This person could die. This person could have died."

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1 asked, "What is the meeting about?" he said, "I cannot  
2 say."

3 Q. So did you then have that meeting with HR?

4 A. I had that meeting. I went to his office  
5 first, and then him and Steve Kile took me to a room,  
6 and they didn't say anything. They just gave me a  
7 sheet of paper and said everything is written on there.

8 Q. And then what did you do?

9 A. I read it, and I said, "This is not true." I  
10 said, "This is not true on each paragraph." I said, "I  
11 never told an OB-GYN that I could fire an OB-GYN." I  
12 said, "That's not true," and they would not say  
13 anything. And at the end of the conversation, you  
14 know, I said, you know, "This investigation was on an A  
15 line, and you guys are terminating me for something  
16 that doesn't even involve the A line." That didn't  
17 even make sense to me. Everything written there had  
18 nothing to do with the A line investigation, and I was  
19 shocked that I'm being terminated when for all this  
20 time they're saying the investigation was on Amanda  
21 Bowers.

22 I was never placed on probation, never given  
23 anything in writing, nothing, and I told Dr. Weiss, you  
24 know, "My career would be over." I was like, "I cannot